

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

PATRICIA ANN SNYDER,	:	
	:	
Plaintiff	:	CIVIL ACTION NO. 3:21-532
	:	
v.	:	(JUDGE MANNION)
	:	
KILOLO KIJAKAZI,¹	:	
Acting Commissioner of	:	
Social Security,	:	
	:	
Defendant	:	

ORDER

Pending before the court is the report and recommendation of Magistrate Judge Karoline Mehalchick which recommends that the decision of the Commissioner denying the plaintiff's claims for social security disability insurance benefits ("DIB") and supplemental security income ("SSI") be affirmed and that judgment be entered in favor of the Commissioner and against the plaintiff. (Doc. 19). The plaintiff has filed objections to the report. (Doc. 20).

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security, effective July 13, 2021, to succeed Andrew Saul. Under Fed.R.Civ.P. 25(d)(1) and 42 U.S.C. §405(g), Kilolo Kijakazi is automatically substituted as the defendant in this action.

When objections are timely filed to the report and recommendation of a magistrate judge, the district court must review *de novo* those portions of the report to which objections are made. 28 U.S.C. §636(b)(1); *Brown v. Astrue*, 649 F.3d 193, 195 (3d Cir. 2011). Although the standard is *de novo*, the extent of review is committed to the sound discretion of the district judge, and the court may rely on the recommendations of the magistrate judge to the extent it deems proper. *Rieder v. Apfel*, 115 F.Supp.2d 496, 499 (M.D.Pa. 2000) (citing *United States v. Raddatz*, 447 U.S. 667, 676 (1980)).

For those sections of the report and recommendation to which no objection is made, the court should, as a matter of good practice, satisfy itself that there is no clear error on the face of the record in order to accept the recommendation. Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa. 2010) (citing *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining judges should give some review to every report and recommendation)). Nevertheless, whether timely objections are made or not, the district court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. §636(b)(1); Local Rule 72.31.

By way of relevant background, the plaintiff filed her applications for DIB and SSI benefits on September 17, 2018. Her applications were denied initially and upon reconsideration. The plaintiff requested a hearing before an administrative law judge (“ALJ”), which was held on February 19, 2020. In an opinion dated March 9, 2020, the ALJ found that the plaintiff was not entitled to either DIB or SSI benefits. A request for review was denied by the Appeals Counsel on January 27, 2021, making the decision of the ALJ the final decision of the Commissioner.

On March 23, 2021, the plaintiff filed the instant action in which she challenges the ALJ’s decision arguing that the ALJ erred in his consideration of her treating physician’s opinion and in his consideration of her subjective complaints. Upon review of the record, Judge Mehalchick determined that neither argument has merit and that the decision of the Commissioner is supported by substantial evidence in the record.

Plaintiff has filed objections to the report and recommendation raising the same two arguments as were raised for Judge Mehalchick’s consideration, this time arguing that Judge Mehalchick erred in her consideration of the arguments. To the contrary, the court has reviewed the decision of the ALJ, the arguments raised by the plaintiff challenging that decision, the report and recommendation of Judge Mehalchick addressing

those arguments, and the record as a whole. The court finds that Judge Mehalchick properly considered the plaintiff's claims, and her determination that the decision of the ALJ is supported by substantial evidence is well-founded. The court finds no clear error of record and will adopt the report of Judge Mehalchick in its entirety as the decision of the court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

- (1) The plaintiff's objections (Doc. 20) are OVERRULED.**
- (2) The report and recommendation of Judge Mehalchick (Doc. 19) is ADOPTED IN ITS ENTIRETY as the decision of the court.**
- (3) The Clerk of Court is directed to enter JUDGMENT IN FAVOR OF THE COMMISSIONER AND AGAINST THE PLAINTIFF.**
- (4) The Clerk of Court is directed to CLOSE THIS CASE.**

s/ Malachy E. Mannion
MALACHY E. MANNION
United States District Judge

DATE: June 27, 2022

22-532-01